IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8069 OF 2005

Shivaji Goroba Shinde .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Deepak Girme & K.D.Patil for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th December 2005.

P.C.

. Application is preferred by the applicant who is accused in a case registered as C.R.No.189 of 2005 at Bhosari Police station on 28th July

2005. Applicant was arrested on 30th July 2005. Police have completed the investigation and charge sheet is filed.

2. After filing of charge sheet, an application for bail was preferred but the sessions court refused the relief despite observing that the case is triable by the Judicial Magistrate.

3. The case is pertaining to production of fake and bogus refund orders from Income Tax department and presenting them to a bank and thereby crediting the sum under the refund order in the respective bank accounts. The materials relevant for the purpose of the present application have been perused and as far as applicant is concerned, his role is that he has assisted the other accused in preparation of the necessary papers and documents. The relevant documents and bank accounts are seized and they

are in the custody of the police.

4. Applicant is working as Tax Consultant and permanently residing at Pune. Pune is his permanent residence place and he has no other antecedents. In these circumstances, applicant deserves to enlarged on bail. Hence, following order:-

i) Applicant shall be released on bail in connection with C.R.No.189 of 2005 registered with Bhosari Police Station, Pune, subject to furnishing a personal bond of Rs.25,000/- with one surety in the like amount.

ii) Applicant shall attend Bhosari Police Station, Pune twice a week on every Monday and Thursday between 5.00 p.m. and 7.00 p.m. till conclusion of trial;

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any iducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) Applicant shall cooperate with the trial court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of case at the time of trial.

vi) Application disposed of.

(S.C.DHARMADHIKARI, J)